

111TH CONGRESS
1ST SESSION

S. 1033

To authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, to prescribe military personnel strengths for fiscal year 2010, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MAY 13, 2009

Mr. LEVIN (for himself and Mr. MCCAIN) (by request) introduced the following bill; which was read twice and referred to the Committee on Armed Services

A BILL

To authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, to prescribe military personnel strengths for fiscal year 2010, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “National Defense Au-
5 thorization Act for Fiscal Year 2010”.

6 **SEC. 2. TABLE OF CONTENTS.**

7 The table of contents for this Act is as follows:

Sec. 1. Short title.

Sec. 2. Table of contents.

TITLE I—PROCUREMENT

- Sec. 101. Army.
- Sec. 102. Navy and Marine Corps.
- Sec. 103. Air Force.
- Sec. 104. Defense-wide activities.
- Sec. 105. Rapid Acquisition Fund.
- Sec. 106. Joint Improvised Explosive Device Defeat Fund.
- Sec. 107. Defense Production Act purchases.
- Sec. 108. Mine Resistant Ambush Protected Vehicle Fund.

TITLE II—RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

- Sec. 201. Authorization of appropriations.

TITLE III—OPERATION AND MAINTENANCE

Subtitle A—Authorization of Appropriations

- Sec. 301. Operation and maintenance funding.

Subtitle B—Environmental Provisions

- Sec. 311. Reimbursement of Environmental Protection Agency for certain costs in connection with the Former Nansemond Ordnance Depot Site, Suffolk, Virginia.

Subtitle C—Other Provisions

- Sec. 321. Refined Petroleum Products, Marginal Expense Transfer Account.

TITLE IV—OTHER AUTHORIZATIONS

Subtitle A—Military Programs

- Sec. 401. Working Capital Funds.
- Sec. 402. National Defense Sealift Fund.
- Sec. 403. Defense Health Program.
- Sec. 404. Chemical Agents and Munitions Destruction, Defense.
- Sec. 405. Drug Interdiction and Counter-Drug Activities, Defense-wide.
- Sec. 406. Defense Inspector General.
- Sec. 407. Defense Coalition Support Fund.

Subtitle B—Armed Forces Retirement Home

- Sec. 411. Authorization of appropriations for Armed Forces Retirement Home.

Subtitle C—Military Personnel

- Sec. 421. Military personnel.

TITLE V—MILITARY PERSONNEL POLICY

Subtitle A—Personnel Strength Authorizations

- Sec. 501. End strengths for Active Forces.
- Sec. 502. End strengths for Selected Reserve.
- Sec. 503. End strengths for Reserves on active duty in support of the Reserves.

- Sec. 504. End strengths for military technicians (dual status).
- Sec. 505. Fiscal year 2010 limitation on number of non-dual status technicians.
- Sec. 506. Maximum number of Reserve personnel authorized to be on active duty for operational support.

Subtitle B—Military Personnel Policy Generally

- Sec. 511. Revisions to annual report requirement on joint officer management.
- Sec. 512. Clarification of performance policies for military musical units and musicians.
- Sec. 513. Enforcement of Servicemembers Civil Relief Act by the Attorney General and by private cause of action.

TITLE VI—COMPENSATION AND OTHER PERSONNEL BENEFITS

Subtitle A—Pay and Allowances

- Sec. 601. Extension of authority for income replacement payments for Reserve component members experiencing extended and frequent mobilization for active duty service.

Subtitle B—Extension of Certain Bonus and Special and Incentive Pays

- Sec. 611. One-year extension of certain bonus and special pay authorities for Reserve Forces.
- Sec. 612. One-year extension of certain bonus and special pay authorities for health care professionals.
- Sec. 613. One-year extension of special pay and bonus authorities for nuclear officers.
- Sec. 614. One-year extension of authorities relating to payment of other title 37 bonuses and special pay.
- Sec. 615. One-year extension of authorities relating to payment of referral bonuses.

Subtitle C—Retired Pay and Survivor Benefits

- Sec. 621. Expansion of eligibility for concurrent receipt of retired pay and disability compensation.

TITLE VII—WOUNDED WARRIOR PROVISIONS

- Sec. 701. Provision of special monthly compensation allowance to catastrophically injured service members recovering from combat or combat-related catastrophic injuries.

TITLE VIII—ACQUISITION POLICY, ACQUISITION MANAGEMENT, AND RELATED MATTERS

- Sec. 801. Permanent authority for use of simplified acquisition procedures for certain commercial items.
- Sec. 802. Clarification of uniform suspension and debarment requirement.
- Sec. 803. Extension and permanent authority for small business innovation research commercialization program.
- Sec. 804. Authority for Government support contractors to have access to technical data belonging to prime contractors.
- Sec. 805. Reports to Congress on full deployment decisions for major automated information system programs.

- Sec. 806. Repeal of requirements for reporting on certain information technology investment programs.
- Sec. 807. Modification of deadline for submission of annual report to Congress under section 2466 of title 10, United States Code.
- Sec. 808. Revision to definitions of major defense acquisition program and major automated information system for purposes of certain costs, schedule, and performance reports.
- Sec. 809. Exception for emergency operations.
- Sec. 810. Contract authority for advanced development of initial or additional prototype units.

TITLE IX—DEPARTMENT OF DEFENSE ORGANIZATION AND MANAGEMENT

- Sec. 901. Repeal of certain limitations on personnel and consolidation of reports on major Department of Defense headquarters activities.
- Sec. 902. Repeal of certain laws pertaining to the Joint Committee for the Review of Counterproliferation Programs.
- Sec. 903. Provision of space situational awareness services and information to non-United States Government entities.

TITLE X—GENERAL PROVISION

Subtitle A—Financial Matters

- Sec. 1001. Authority for airlift transportation at Department of Defense rates for non-Department of Defense Federal cargoes.
- Sec. 1002. Advance notice to Congress of transfer of funds from a working-capital fund.

Subtitle B—Policy Relating to Vessels and Shipyards

- Sec. 1011. Temporary reduction in statutory minimum number of aircraft carriers in active service.

Subtitle C—Counter-Drug Activities

- Sec. 1021. Two-year extension of authority to support unified counter-drug and counterterrorism campaign in Colombia and continuation of numerical limitations on assignment of United States personnel.

Subtitle D—Report Terminations

- Sec. 1031. Improved management of congressional reporting requirements applicable to Department of Defense.
- Sec. 1032. Repeal of requirement for annual report on military museums.

Subtitle E—Other Matters

- Sec. 1041. One-year extension of authority to offer and make rewards for assistance in combating terrorism through government personnel of allied forces.

TITLE XI—CIVILIAN PERSONNEL MATTERS

- Sec. 1101. One-year extension of authority to waive annual limitation on premium pay and aggregate limitation on pay for Federal civilian employees working overseas.

TITLE XII—MATTERS RELATING TO FOREIGN NATIONS

- Sec. 1201. One-year extension of Commanders' Emergency Response Program and extension of due date for quarterly reports to Congress.
- Sec. 1202. Enhanced authority to acquire products and services produced in Central Asia, Pakistan, and the South Caucasus.
- Sec. 1203. Authorization of appropriations for Afghanistan Security Forces Fund.
- Sec. 1204. Authority to provide administrative services and support to coalition liaison officers of certain foreign nations assigned to joint forces command.

TITLE XIII—MILITARY CONSTRUCTION, MILITARY FAMILY HOUSING, AND REAL PROPERTY

- Sec. 1301. Temporary increase in cost threshold for use of operation and maintenance funds for unspecified minor military construction projects in Afghanistan.
- Sec. 1302. Two-year extension of authority for pilot projects for acquisition or construction of military unaccompanied housing.
- Sec. 1303. Consolidation and standardization of notice-and-wait requirements applicable to real property leases.

1 **TITLE I—PROCUREMENT**2 **SEC. 101. ARMY.**

3 Funds are hereby authorized to be appropriated for
4 fiscal year 2010 for procurement for the Army as follows:

5 (1) For aircraft, \$6,952,220,000.

6 (2) For missiles, \$1,901,679,000.

7 (3) For weapons and tracked combat vehicles,
8 \$3,211,418,000.

9 (4) For ammunition, \$2,422,530,000.

10 (5) For other procurement, \$16,133,117,000.

11 **SEC. 102. NAVY AND MARINE CORPS.**

12 (a) NAVY.—Funds are hereby authorized to be appro-
13 priated for fiscal year 2010 for procurement for the Navy
14 as follows:

15 (1) For aircraft, \$19,294,865,000.

1 (2) For weapons, including missiles and tor-
2 pedoes, \$3,527,155,000.

3 (3) For shipbuilding and conversion,
4 \$13,776,867,000.

5 (4) For other procurement, \$5,979,194,000.

6 (b) MARINE CORPS.—Funds are hereby authorized to
7 be appropriated for fiscal year 2010 for procurement for
8 the Marine Corps in the amount of \$2,765,083,000.

9 (c) NAVY AND MARINE CORPS AMMUNITION.—Funds
10 are hereby authorized to be appropriated for fiscal year
11 2010 for procurement of ammunition for the Navy and
12 Marine Corps in the amount of \$1,551,455,000.

13 **SEC. 103. AIR FORCE.**

14 Funds are hereby authorized to be appropriated for
15 fiscal year 2010 for procurement for the Air Force as fol-
16 lows:

17 (1) For aircraft, \$12,902,717,000.

18 (2) For ammunition, \$1,079,281,000.

19 (3) For missiles, \$6,337,353,000.

20 (4) For other procurement, \$19,614,690,000.

21 **SEC. 104. DEFENSE-WIDE ACTIVITIES.**

22 Funds are hereby authorized to be appropriated for
23 fiscal year 2010 for Defense-wide procurement in the
24 amount of \$4,475,782,000.

1 **SEC. 105. RAPID ACQUISITION FUND.**

2 Funds are hereby authorized to be appropriated for
3 fiscal year 2010 for the Rapid Acquisition Fund in the
4 amount of \$79,300,000.

5 **SEC. 106. JOINT IMPROVISED EXPLOSIVE DEVICE DEFEAT**
6 **FUND.**

7 Funds are hereby authorized to be appropriated for
8 fiscal year 2010 for the Joint Improvised Explosive Device
9 Defeat Fund in the amount of \$2,099,850,000.

10 **SEC. 107. DEFENSE PRODUCTION ACT PURCHASES.**

11 Funds are hereby authorized to be appropriated for
12 fiscal year 2010 for Defense Production Act purchases in
13 the amount of \$38,246,000.

14 **SEC. 108. MINE RESISTANT AMBUSH PROTECTED VEHICLE**
15 **FUND.**

16 Funds are hereby authorized to be appropriated for
17 fiscal year 2010 for the Mine Resistant Ambush Protected
18 Vehicle Fund in the amount of \$5,456,000,000.

19 **TITLE II—RESEARCH, DEVELOP-**
20 **MENT, TEST, AND EVALUA-**
21 **TION**

22 **SEC. 201. AUTHORIZATION OF APPROPRIATIONS.**

23 Funds are hereby authorized to be appropriated for
24 fiscal year 2010 for the use of the Department of Defense
25 for research, development, test, and evaluation, as follows:

26 (1) For the Army, \$10,496,180,000.

1 (2) For the Navy, \$19,378,112,000.

2 (3) For the Air Force, \$28,022,113,000.

3 (4) For Defense-wide activities,
4 \$21,048,138,000, of which \$190,770,000 is author-
5 ized for the Director of Operational Test and Eval-
6 uation.

7 **TITLE III—OPERATION AND** 8 **MAINTENANCE**

9 **Subtitle A—Authorization of** 10 **Appropriations**

11 **SEC. 301. OPERATION AND MAINTENANCE FUNDING.**

12 Funds are hereby authorized to be appropriated for
13 fiscal year 2010 for the use of the Armed Forces and other
14 activities and agencies of the Department of Defense for
15 expenses, not otherwise provided for, for operation and
16 maintenance, in amounts as follows:

17 (1) For the Army, \$83,445,543,000.

18 (2) For the Navy, \$41,289,929,000.

19 (3) For the Marine Corps, \$9,237,823,000.

20 (4) For the Air Force, \$44,775,027,000.

21 (5) For the Defense-wide activities,
22 \$35,935,546,000.

23 (6) For the Army Reserve, \$2,824,522,000.

24 (7) For the Navy Reserve, \$1,346,560,000.

25 (8) For the Marine Corps Reserve, \$315,592.

1 (9) For the Air Force Reserve, \$3,205,153,000.

2 (10) For the Army National Guard,
3 \$6,578,680,000.

4 (11) For the Air National Guard,
5 \$6,175,623,000.

6 (12) For the United States Court of Appeals
7 for the Armed Forces, \$13,932,000.

8 (13) For Environmental Restoration, Army,
9 \$415,864,000.

10 (14) For Environmental Restoration, Navy,
11 \$285,869,000.

12 (15) For Environmental Restoration, Air Force,
13 \$494,276,000.

14 (16) For Environmental Restoration, Defense-
15 wide, \$11,100,000.

16 (17) For Environmental Restoration, Formerly
17 Used Defense Sites, \$267,700,000.

18 (18) For Overseas Humanitarian, Disaster, and
19 Civic Aid programs, \$109,869,000.

20 (19) For Cooperative Threat Reduction pro-
21 grams, \$404,093,000.

22 (20) For the Overseas Contingency Operations
23 Transfer Fund, \$5,000,000.

24 (21) For the Iraq Freedom Fund,
25 \$115,300,000.

(22) For the Department of Defense Acquisition Workforce Development Fund, \$100,000,000.

(23) For the Pakistan Counterinsurgency Capability Fund, \$700,000,000.

Subtitle B—Environmental Provisions

SEC. 311. REIMBURSEMENT OF ENVIRONMENTAL PROTECTION AGENCY FOR CERTAIN COSTS IN CONNECTION WITH THE FORMER NANSEMOND ORDNANCE DEPOT SITE, SUFFOLK, VIRGINIA.

(a) AUTHORITY TO REIMBURSE.—

(1) TRANSFER AMOUNT.—Using funds described in subsection (b) and notwithstanding section 2215 of title 10, United States Code, the Secretary of Defense may transfer not more than \$68,623 during fiscal year 2010 to the Former Nansmond Ordnance Depot Site Special Account, within the Hazardous Substance Superfund.

(2) PURPOSE OF REIMBURSEMENT.—The payment under paragraph (1) is final payment to reimburse the Environmental Protection Agency for all costs incurred in overseeing a time critical removal action performed by the Department of Defense under the Defense Environmental Restoration Program for ordnance and explosive safety hazards at

1 the Former Nansemond Ordnance Depot Site, Suffolk, Virginia.

3 (3) INTERAGENCY AGREEMENT.—The reimbursement described in paragraph (2) is provided for
4 in an interagency agreement entered into by the Department of the Army and the Environmental Protection Agency for the Former Nansemond Ordnance Depot Site in December 1999.

9 (b) SOURCE OF FUNDS.—Any payment under subsection (a) shall be made using funds authorized to be appropriated by section 301(17) for operation and maintenance for Environmental Restoration, Formerly Used Defense Sites.

14 (c) USE OF FUNDS.—The Environmental Protection Agency shall use the amount transferred under subsection (a) to pay costs incurred by the Agency at the Former Nansemond Ordnance Depot Site.

18 **Subtitle C—Other Provisions**

19 **SEC. 321. REFINED PETROLEUM PRODUCTS, MARGINAL EXPENSE TRANSFER ACCOUNT.**

21 (a) IN GENERAL.—Chapter 131 of title 10, United States Code, is amended by inserting after section 2228
22 the following new section:
23

1 **“§ 2228a. Refined Petroleum Products, Marginal Ex-**
 2 **pense Transfer Account**

3 “(a) ACCOUNT.—There is established in the Treasury
 4 the Refined Petroleum Products, Marginal Expense
 5 Transfer Account (hereinafter in this section referred to
 6 as the ‘Transfer Account’). During any fiscal year,
 7 amounts in the Transfer Account shall be available with-
 8 out further appropriation to pay the marginal costs needed
 9 to purchase up to the quantity of refined petroleum prod-
 10 ucts specified in the fiscal year budget request for use by
 11 Department of Defense entities for such year.

12 “(b) CALCULATION OF MARGINAL COSTS.—Marginal
 13 costs shall be calculated as the difference between the ac-
 14 tual market prices paid by the Department of Defense for
 15 the refined petroleum products purchased in a fiscal year
 16 and the prices specified for the purchase of such products
 17 in the President’s budget for that year.

18 “(c) TRANSFER OF FUNDS.—(1) During the course
 19 of any fiscal year, amounts sufficient to pay the marginal
 20 costs under subsection (a) shall be transferred from the
 21 Transfer Account to the Defense-Wide Working Capital
 22 Fund.

23 “(2) To the extent that the price specified for the
 24 purchase of refined petroleum products in the President’s
 25 budget submission for a fiscal year exceed the actual mar-
 26 ket prices paid by the Department for such products pur-

1 chased in that year, the difference in price shall be trans-
 2 ferred from the Defense-Wide Working Capital Fund to
 3 the Transfer Fund and such amounts shall be cancelled.

4 “(3) The transfer of such additional amount needed,
 5 amounts not needed through August, and an estimate for
 6 September should be transferred before the end of the fis-
 7 cal year, with a final accounting and transfer within 60
 8 days after the end of the fiscal year.

9 “(4) The transfer authority provided by this section
 10 is in addition to any other transfer authority available to
 11 the Department of Defense.

12 “(d) APPROPRIATION.—There is appropriated to the
 13 Transfer Account such sums as may be necessary to carry
 14 out this section.”.

15 (b) CLERICAL AMENDMENT.—The table of sections
 16 at the beginning of such chapter is amended by inserting
 17 after the item relating to section 2228 the following new
 18 item:

“2228a. Refined Petroleum Products, Marginal Expense Transfer Account.”.

19 **TITLE IV—OTHER**
 20 **AUTHORIZATIONS**
 21 **Subtitle A—Military Programs**

22 **SEC. 401. WORKING CAPITAL FUNDS.**

23 Funds are hereby authorized to be appropriated for
 24 fiscal year 2010 for the use of the Armed Forces and other
 25 activities and agencies of the Department of Defense for

1 providing capital for the Defense Working Capital Funds
2 in the amount of \$1,851,919,000.

3 **SEC. 402. NATIONAL DEFENSE SEALIFT FUND.**

4 Funds are hereby authorized to be appropriated for
5 fiscal year 2010 for the National Defense Sealift Fund
6 in the amount of \$1,642,758,000.

7 **SEC. 403. DEFENSE HEALTH PROGRAM.**

8 Funds are hereby authorized to be appropriated for
9 the Department of Defense for fiscal year 2010 for ex-
10 penses, not otherwise provided for, for the Defense Health
11 Program, in the amount of \$29,058,398,000, of which—

12 (1) \$28,123,154,000 is for Operation and
13 Maintenance;

14 (2) \$613,102,000 is for Research, Development,
15 Test, and Evaluation; and

16 (3) \$322,142,000 is for Procurement.

17 **SEC. 404. CHEMICAL AGENTS AND MUNITIONS DESTRUC-**
18 **TION, DEFENSE.**

19 (a) AUTHORIZATION OF APPROPRIATIONS.—Funds
20 are hereby authorized to be appropriated for the Depart-
21 ment of Defense for fiscal year 2010 for expenses, not oth-
22 erwise provided for, for Chemical Agents and Munitions
23 Destruction, Defense, \$1,560,760,000, of which—

24 (1) \$1,146,802,000 is for Operation and Main-
25 tenance;

1 (2) \$401,269,000 is for Research, Development,
2 Test, and Evaluation; and

3 (3) \$12,689,000 is for Procurement.

4 (b) USE.—Amounts authorized to be appropriated
5 under subsection (a) are authorized for—

6 (1) the destruction of lethal chemical agents
7 and munitions in accordance with section 1412 of
8 the Department of Defense Authorization Act, 1986
9 (50 U.S.C. 1521); and

10 (2) the destruction of chemical warfare materiel
11 of the United States that is not covered by section
12 1412 of such Act.

13 **SEC. 405. DRUG INTERDICTION AND COUNTER-DRUG AC-**
14 **TIVITIES, DEFENSE-WIDE.**

15 Funds are hereby authorized to be appropriated for
16 the Department of Defense for fiscal year 2010 for ex-
17 penses, not otherwise provided for, for Drug Interdiction
18 and Counter-Drug Activities, Defense-wide,
19 \$1,383,587,000.

20 **SEC. 406. DEFENSE INSPECTOR GENERAL.**

21 Funds are hereby authorized to be appropriated for
22 the Department of Defense for fiscal year 2010 for ex-
23 penses, not otherwise provided for, for the Office of the
24 Inspector General of the Department of Defense,
25 \$281,320,000, of which—

1 (1) \$280,320,000 is for Operation and Mainte-
 2 nance; and

3 (2) \$1,000,000 is for Procurement.

4 **SEC. 407. DEFENSE COALITION SUPPORT FUND.**

5 Funds are hereby authorized to be appropriated for
 6 the Defense Coalition Support Fund in the amount of
 7 \$22,000,000.

8 **Subtitle B—Armed Forces**
 9 **Retirement Home**

10 **SEC. 411. AUTHORIZATION OF APPROPRIATIONS FOR**
 11 **ARMED FORCES RETIREMENT HOME.**

12 There is hereby authorized to be appropriated for fis-
 13 cal year 2010 from the Armed Forces Retirement Home
 14 Trust Fund the sum of \$134,000,000 for the operation
 15 of the Armed Forces Retirement Home.

16 **Subtitle C—Military Personnel**

17 **SEC. 421. MILITARY PERSONNEL.**

18 There is hereby authorized to be appropriated for
 19 military personnel for fiscal year 2010 a total of
 20 \$138,851,283,000. The authorization in the preceding
 21 sentence supersedes any other authorization of appropria-
 22 tions (definite or indefinite) for such purpose for fiscal
 23 year 2010.

1 **TITLE V—MILITARY PERSONNEL**
2 **POLICY**
3 **Subtitle A—Personnel Strength**
4 **Authorizations**

5 **SEC. 501. END STRENGTHS FOR ACTIVE FORCES.**

6 The Armed Forces are authorized strengths for active
7 duty personnel as of September 30, 2010, as follows:

8 (1) The Army, 547,400.

9 (2) The Navy, 328,800.

10 (3) The Marine Corps, 202,100.

11 (4) The Air Force, 331,700.

12 **SEC. 502. END STRENGTHS FOR SELECTED RESERVE.**

13 (a) IN GENERAL.—The Armed Forces are authorized
14 strengths for Selected Reserve personnel of the Reserve
15 components as of September 30, 2010, as follows:

16 (1) The Army Reserve, 205,000.

17 (2) The Navy Reserve, 65,500.

18 (3) The Marine Corps Reserve, 39,600.

19 (4) The Air Force Reserve, 69,500.

20 (5) The Air National Guard of the United
21 States, 106,700.

22 (6) The Army National Guard of the United
23 States, 358,200.

24 (7) The Coast Guard Reserve, 10,000.

1 (b) END STRENGTH REDUCTIONS.—The end
2 strengths prescribed by subsection (a) for the Selected Re-
3 serve of any Reserve component shall be proportionately
4 reduced by—

5 (1) the total authorized strength of units orga-
6 nized to serve as units of the Selected Reserve of
7 such component which are on active duty (other
8 than for training) at the end of the fiscal year; and
9 (2) the total number of individual members not
10 in units organized to serve as units of the Selected
11 Reserve of such component who are on active duty
12 (other than for training or for unsatisfactory partici-
13 pation in training) without their consent at the end
14 of the fiscal year.

15 (c) END STRENGTH INCREASES.—Whenever units or
16 individual members of the Selected Reserve of any Reserve
17 component are released from active duty during any fiscal
18 year, the end strength prescribed for such fiscal year for
19 the Selected Reserve of such Reserve component shall be
20 increased proportionately by the total authorized strengths
21 of such units and by the total number of such individual
22 members.

1 **SEC. 503. END STRENGTHS FOR RESERVES ON ACTIVE**
 2 **DUTY IN SUPPORT OF THE RESERVES.**

3 Within the end strengths prescribed in section
 4 411(a), the Reserve components of the Armed Forces are
 5 authorized, as of September 30, 2010, the following num-
 6 ber of Reserves to be serving on full-time active duty or
 7 full-time duty, in the case of members of the National
 8 Guard, for the purpose of organizing, administering, re-
 9 cruiting, instructing, or training the reserve components:

10 (1) The Army Reserve, 16,261.

11 (2) The Navy Reserve, 10,818.

12 (3) The Marine Corps Reserve, 2,261.

13 (4) The Air Force Reserve, 2,896.

14 (5) The Army National Guard of the United
 15 States, 32,060.

16 (6) The Air National Guard of the United
 17 States, 14,555.

18 **SEC. 504. END STRENGTHS FOR MILITARY TECHNICIANS**
 19 **(DUAL STATUS).**

20 The minimum number of military technicians (dual
 21 status) as of the last day of fiscal year 2010 for the Re-
 22 serve components of the Army and the Air Force (notwith-
 23 standing section 129 of title 10, United States Code) shall
 24 be the following:

25 (1) For the Army Reserve, 8,154.

1 (2) For the Army National Guard of the United
2 States, 26,901.

3 (3) For the Air Force Reserve, 10,417.

4 (4) For the Air National Guard of the United
5 States, 22,313.

6 **SEC. 505. FISCAL YEAR 2010 LIMITATION ON NUMBER OF**
7 **NON-DUAL STATUS TECHNICIANS.**

8 (a) LIMITATIONS.—

9 (1) NATIONAL GUARD.—Within the limitation
10 provided in section 10217(c)(2) of title 10, United
11 States Code, the number of non-dual status techni-
12 cians employed by the National Guard as of Sep-
13 tember 30, 2010, may not exceed the following:

14 (A) For the Army National Guard of the
15 United States, 2,500.

16 (B) For the Air National Guard of the
17 United States, 350.

18 (2) ARMY RESERVE.—The number of non-dual
19 status technicians employed by the Army Reserve as
20 of September 30, 2010, may not exceed 836.

21 (3) AIR FORCE RESERVE.—The number of non-
22 dual status technicians employed by the Air Force
23 Reserve as of September 30, 2010, may not exceed
24 90.

1 (b) NON-DUAL STATUS TECHNICIANS DEFINED.—In
 2 this section, the term “non-dual status technician” has the
 3 meaning given that term in section 10217(a) of title 10,
 4 United States Code.

5 **SEC. 506. MAXIMUM NUMBER OF RESERVE PERSONNEL AU-**
 6 **THORIZED TO BE ON ACTIVE DUTY FOR**
 7 **OPERATIONAL SUPPORT.**

8 During fiscal year 2010, the maximum number of
 9 members of the Reserve components of the Armed Forces
 10 who may be serving at any time on full-time operational
 11 support duty under section 115(b) of title 10, United
 12 States Code, is the following:

13 (1) The Army National Guard of the United
 14 States, 17,000.

15 (2) The Army Reserve, 13,000.

16 (3) The Navy Reserve, 6,200.

17 (4) The Marine Corps Reserve, 3,000.

18 (5) The Air National Guard of the United
 19 States, 16,000.

20 (6) The Air Force Reserve, 14,000.

Subtitle B—Military Personnel **Policy Generally**

SEC. 511. REVISIONS TO ANNUAL REPORT REQUIREMENT **ON JOINT OFFICER MANAGEMENT.**

Section 667 of title 10, United States Code, is amended—

(1) in paragraph (1)(A), by striking “and their education and experience”;

(2) by striking paragraph (3);

(3) by transferring subparagraph (B) of paragraph (4) to the end of paragraph (1), redesignating that subparagraph as subparagraph (C), aligning that subparagraph with the margin of subparagraph (B) of paragraph (1), and capitalizing the first word of that subparagraph;

(4) by striking the remainder of paragraph (4), as amended by paragraph (3) of this section;

(5) by redesignating paragraph (5) as paragraph (3);

(6) by striking paragraph (6);

(7) by redesignating paragraphs (7) through (11) as paragraphs (4) through (8), respectively;

(8) by redesignating paragraph (12) as paragraph (9) and in that paragraph striking “each time the” and all that follows and inserting “the principal

1 courses of instruction for Joint Professional Military
 2 Education Level II, the number of officers grad-
 3 uating from each of the following:

4 “(A) The Joint Forces Staff College.

5 “(B) The National Defense University.

6 “(C) Senior Service Schools.”; and

7 (9) by redesignating paragraph (13) as para-
 8 graph (10).

9 **SEC. 512. CLARIFICATION OF PERFORMANCE POLICIES**
 10 **FOR MILITARY MUSICAL UNITS AND MUSI-**
 11 **CIANS.**

12 (a) CLARIFICATION.—Section 974 of title 10, United
 13 States Code, is amended to read as follows:

14 **“§ 974. Military musical units and musicians: per-**
 15 **formance policies; restriction on perform-**
 16 **ance in competition with local civilian**
 17 **musicians**

18 “(a) MILITARY MUSICIANS PERFORMING IN AN OF-
 19 FICIAL CAPACITY.—

20 “(1) RESTRICTION ON PERFORMANCES IN COM-
 21 PETITION WITH LOCAL CIVILIAN MUSICIANS.—A
 22 military musical unit, and a member of the armed
 23 forces who is a member of such a unit performing
 24 in an official capacity, may not engage in the per-

1 performance of music in competition with local civilian
2 musicians.

3 “(2) PERFORMANCES IN COMPETITION WITH
4 LOCAL CIVILIAN MUSICIANS.—For purposes of para-
5 graph (1), the following shall, except as provided in
6 paragraph (3), be included among the performances
7 that are considered to be a performance of music in
8 competition with local civilian musicians:

9 “(A) A performance that is more than inci-
10 dental to an event that (i) is not supported, in
11 whole or in part, by United States Government
12 funds, and (ii) is not free to the public.

13 “(B) A performance of background, din-
14 ner, dance, or other social music at an event
15 that (i) is not supported, in whole or in part,
16 by United States Government funds, and (ii) is
17 held at a location not on a military installation.

18 “(3) PERFORMANCES NOT IN COMPETITION
19 WITH LOCAL CIVILIAN MUSICIANS.—For purposes of
20 paragraph (1), the following shall not be considered
21 to be a performance of music in competition with
22 local civilian musicians:

23 “(A) A performance (including back-
24 ground, dinner, dance, or other social music) at
25 an official United States Government event that

1 is supported, in whole or in part, by United
2 States Government funds.

3 “(B) A performance at a concert, parade,
4 or other event, that is a patriotic event or a
5 celebration of a national holiday and is free to
6 the public.

7 “(C) A performance that is incidental to
8 an event that (i) is not supported, in whole or
9 in part, by United States Government funds, or
10 (ii) is not free to the public.

11 “(D) A performance (including back-
12 ground, dinner, dance, or other social music)
13 at—

14 “(i) an event that is sponsored by or
15 for a military welfare society, as defined in
16 section 2566 of this title;

17 “(ii) an event that is a traditional
18 military event intended to foster the mo-
19 rale and welfare of members of the armed
20 forces and their families; or

21 “(iii) an event that is specifically for
22 the benefit or recognition of members of
23 the armed forces, their family members,
24 veterans, civilian employees of the Depart-
25 ment of Defense, or former civilian employ-

1 ees of the Department of Defense, to the
2 extent provided in regulations prescribed
3 by the Secretary of Defense.

4 “(E) A performance (including back-
5 ground, dinner, dance, or other social music)—

6 “(i) to uphold the standing and pres-
7 tige of the United States with dignitaries
8 and distinguished or prominent persons or
9 groups of the United States or another na-
10 tion; or

11 “(ii) in support of fostering and sus-
12 taining a cooperative relationship with an-
13 other nation.

14 “(b) PROHIBITION OF MILITARY MUSICIANS AC-
15 CEPTING ADDITIONAL REMUNERATION FOR OFFICIAL
16 PERFORMANCES.—A military musical unit, and a member
17 of the armed forces who is a member of such a unit per-
18 forming in an official capacity, may not receive remunera-
19 tion for an official performance, other than applicable mili-
20 tary pay and allowances.

21 “(c) RECORDINGS.—

22 “(1) AUTHORITY.—When authorized under reg-
23 ulations prescribed by the Secretary of Defense for
24 purposes of this section, a military musical unit may
25 produce recordings for distribution to the public, at

1 a cost not to exceed expenses of production and dis-
 2 tribution.

3 “(2) CREDITING OF FUNDS.—Amounts received
 4 in payment for a recording distributed to the public
 5 under this subsection shall be credited to the appro-
 6 priation or account providing the funds for the pro-
 7 duction of the recording. Any amount so credited
 8 shall be merged with amounts in the appropriation
 9 or account to which credited, and shall be available
 10 for the same purposes, and subject to the same con-
 11 ditions and limitations, as amounts in such appro-
 12 priation or account.

13 “(d) PERFORMANCES AT FOREIGN LOCATIONS.—
 14 Subsection (a) does not apply to a performance outside
 15 the United States, its commonwealths, or its possessions.

16 “(e) MILITARY MUSICAL UNIT DEFINED.—In this
 17 section, the term ‘military musical unit’ means a band,
 18 ensemble, chorus, or similar musical unit of the armed
 19 forces.”.

20 (b) CLERICAL AMENDMENT.—The item relating to
 21 such section in the table of sections at the beginning of
 22 such chapter is amended to read as follows:

“974. Military musical units and musicians: performance policies; restriction on
 performance in competition with local civilian musicians.”.

1 **SEC. 513. ENFORCEMENT OF SERVICEMEMBERS CIVIL RE-**
 2 **LIEF ACT BY THE ATTORNEY GENERAL AND**
 3 **BY PRIVATE CAUSE OF ACTION.**

4 (a) GENERAL CIVIL LIABILITY AND ENFORCE-
 5 MENT.—The Servicemembers Civil Relief Act (50 U.S.C.
 6 App. 501 et seq.) is amended by adding at the end the
 7 following new title:

8 **“TITLE VIII—CIVIL LIABILITY**
 9 **FOR NONCOMPLIANCE**

10 **“SEC. 801. ENFORCEMENT BY THE ATTORNEY GENERAL.**

11 “(a) ENFORCEMENT BY THE ATTORNEY GEN-
 12 ERAL.—The Attorney General may commence a civil ac-
 13 tion in any appropriate United States District Court
 14 whenever the Attorney General has reasonable cause to
 15 believe—

16 “(1) that any person or group of persons is en-
 17 gaging in, or has engaged in, a pattern or practice
 18 of conduct in violation of any provision of this Act;
 19 or

20 “(2) that any person or group of persons is de-
 21 nying, or has denied, any person or group of persons
 22 any protection afforded by any provision of this Act
 23 and that such denial raises an issue of general pub-
 24 lic importance.

25 “(b) RELIEF THAT MAY BE GRANTED IN CIVIL AC-
 26 TIONS.—In a civil action under subsection (a), the court—

1 “(1) may enter any temporary restraining
2 order, temporary or permanent injunction, or other
3 order as may be appropriate;

4 “(2) may award monetary damages to a service-
5 member, dependent, or other person protected by
6 any provision of this Act who is harmed by the fail-
7 ure to comply with any provision of this Act, includ-
8 ing consequential and punitive damages; and

9 “(3) may, to vindicate the public interest, as-
10 sess a civil penalty against each defendant—

11 “(A) in an amount not exceeding \$55,000
12 for a first violation; and

13 “(B) in an amount not exceeding \$110,000
14 for any subsequent violation.

15 “(c) INTERVENTION IN CIVIL ACTIONS.—Upon time-
16 ly application, a servicemember, dependent, or other per-
17 son protected by any provision of this Act may intervene
18 in a civil action commenced by the Attorney General that
19 involves an alleged violation of any provision of this Act
20 or a denial of any protection afforded by any provision
21 of this Act with respect to which such person claims to
22 be harmed. The court may grant to any such intervening
23 party appropriate relief as is authorized under subsection
24 (b)(1) or (b)(2). The court may also, in its discretion,

1 grant a prevailing intervening party reasonable attorneys’
 2 fees and costs.

3 **“SEC. 802. PRIVATE CAUSES OF ACTION.**

4 “A servicemember, dependent, or other person pro-
 5 tected by any provision of this Act may commence an ac-
 6 tion in any appropriate United States District Court or
 7 in a State court of competent jurisdiction to enforce any
 8 requirement imposed or protection afforded by any provi-
 9 sion of this Act. The court may grant to any such service-
 10 member, dependent, or person such appropriate relief as
 11 is authorized under section 801 (b)(1) or (b)(2). The court
 12 may also, in its discretion, grant a prevailing party reason-
 13 able attorneys’ fees and costs.

14 **“SEC. 803. PRESERVATION OF OTHER REMEDIES.**

15 “The remedies provided under sections 801 and 802
 16 are in addition to and do not preclude any other causes
 17 of action available under Federal or State law or any other
 18 remedies otherwise available under Federal or State law,
 19 including any award for consequential and punitive dam-
 20 ages.”.

21 (b) APPLICABILITY.—Title VIII of the
 22 Servicemembers Civil Relief Act, as added by subsection
 23 (a), shall apply to any cause of action, claim, or action
 24 to enforce the Servicemembers Civil Relief Act, or to seek
 25 damages or other relief under any provision of that Act,

1 in progress on the date of the enactment of this Act or
 2 that may be brought after such date.

3 (c) CONFORMING AMENDMENTS.—

4 (1) Section 207 of the Servicemembers Civil
 5 Relief Act (50 U.S.C. App. 527) is amended by
 6 striking subsection (f).

7 (2) Sections 301(c), 302(b), 303(d), 305(h),
 8 306(e), and 307(c) of such Act (50 U.S.C. App.
 9 531(c), 532(b), 533(d), 535(h), 536(e), and 537(c))
 10 are amended—

11 (A) by striking “PENALTIES” and all that
 12 follows through “(1)”; and

13 (B) by striking paragraph (2).

14 (d) TECHNICAL CORRECTIONS.—Such Act is further
 15 amended—

16 (1) in section 202(d)(1) (50 U.S.C. App.
 17 522(d)(1)), by striking “affect” in the first sentence
 18 and inserting “effect”; and

19 (2) in sections 204(a), 306(e), and 701(c) (50
 20 U.S.C. App. 524(a), 536(e), and 591(c)), by striking
 21 “AFFECT” in the subsection heading and inserting
 22 “EFFECT”.

23 (e) CLERICAL AMENDMENT.—The table of contents
 24 in section 1(b) of such Act is amended by adding at the
 25 end the following:

“TITLE VIII—CIVIL LIABILITY FOR NONCOMPLIANCE

“Sec. 801. Enforcement by the Attorney General.

“Sec. 802. Private causes of action.

“Sec. 803. Preservation of other remedies.”.

TITLE VI—COMPENSATION AND OTHER PERSONNEL BENEFITS

Subtitle A—Pay and Allowances

SEC. 601. EXTENSION OF AUTHORITY FOR INCOME RE- PLACEMENT PAYMENTS FOR RESERVE COM- PONENT MEMBERS EXPERIENCING EX- TENDED AND FREQUENT MOBILIZATION FOR ACTIVE DUTY SERVICE.

Section 910(g) of title 37, United States Code, is amended by striking “December 31, 2009” and inserting “December 31, 2010”.

Subtitle B—Extension of Certain Bonuses and Special and Incen- tive Pays

SEC. 611. ONE-YEAR EXTENSION OF CERTAIN BONUS AND SPECIAL PAY AUTHORITIES FOR RESERVE FORCES.

The following sections of chapter 5 of title 37, United States Code, are amended by striking “December 31, 2009” and inserting “December 31, 2010”:

(1) Section 308b(g), relating to Selected Reserve reenlistment bonus.

(2) Section 308c(i), relating to Selected Reserve affiliation or enlistment bonus.

1 (3) Section 308d(c), relating to special pay for
2 enlisted members assigned to certain high-priority
3 units.

4 (4) Section 308g(f)(2), relating to Ready Re-
5 serve enlistment bonus for persons without prior
6 service.

7 (5) Section 308h(e), relating to Ready Reserve
8 enlistment and reenlistment bonus for persons with
9 prior service.

10 (6) Section 308i(f), relating to Selected Reserve
11 enlistment and reenlistment bonus for persons with
12 prior service.

13 **SEC. 612. ONE-YEAR EXTENSION OF CERTAIN BONUS AND**
14 **SPECIAL PAY AUTHORITIES FOR HEALTH**
15 **CARE PROFESSIONALS.**

16 (a) TITLE 10 AUTHORITIES.—The following sections
17 of title 10, United States Code, are amended by striking
18 “December 31, 2009” and inserting “December 31,
19 2010”:

20 (1) Section 2130a(a)(1), relating to nurse offi-
21 cer candidate accession program.

22 (2) Section 16302(d), relating to repayment of
23 education loans for certain health professionals who
24 serve in the Selected Reserve.

1 (b) TITLE 37 AUTHORITIES.—The following sections
2 of chapter 5 of title 37, United States Code, are amended
3 by striking “December 31, 2009” and inserting “Decem-
4 ber 31, 2010”:

5 (1) Section 302c–1(f), relating to accession and
6 retention bonuses for psychologists.

7 (2) Section 302d(a)(1), relating to accession
8 bonus for registered nurses.

9 (3) Section 302e(a)(1), relating to incentive
10 special pay for nurse anesthetists.

11 (4) Section 302g(e), relating to special pay for
12 Selected Reserve health professionals in critically
13 short wartime specialties.

14 (5) Section 302h(a)(1), relating to accession
15 bonus for dental officers.

16 (6) Section 302j(a), relating to accession bonus
17 for pharmacy officers.

18 (7) Section 302k(f), relating to accession bonus
19 for medical officers in critically short wartime spe-
20 cialties.

21 (8) Section 302l(g), relating to accession bonus
22 for dental specialist officers in critically short war-
23 time specialties.

1 (9) Section 335(k), relating to special bonus
2 and incentive pay authorities for officers in health
3 professions.

4 **SEC. 613. ONE-YEAR EXTENSION OF SPECIAL PAY AND**
5 **BONUS AUTHORITIES FOR NUCLEAR OFFI-**
6 **CERS.**

7 The following sections of chapter 5 of title 37, United
8 States Code, are amended by striking “December 31,
9 2009” and inserting “December 31, 2010”:

10 (1) Section 312(f), relating to special pay for
11 nuclear-qualified officers extending period of active
12 service.

13 (2) Section 312b(c), relating to nuclear career
14 accession bonus.

15 (3) Section 312c(d), relating to nuclear career
16 annual incentive bonus.

17 (4) Section 333(i), relating to special bonus and
18 incentive pay authorities for nuclear officers.

19 **SEC. 614. ONE-YEAR EXTENSION OF AUTHORITIES RELAT-**
20 **ING TO PAYMENT OF OTHER TITLE 37 BO-**
21 **NUSES AND SPECIAL PAY.**

22 The following sections of chapter 5 of title 37, United
23 States Code, are amended by striking “December 31,
24 2009” and inserting “December 31, 2010”:

1 (1) Section 301b(a), relating to aviation officer
2 retention bonus.

3 (2) Section 307a(g), relating to assignment in-
4 centive pay.

5 (3) Section 308(g), relating to reenlistment
6 bonus for active members.

7 (4) Section 309(e), relating to enlistment
8 bonus.

9 (5) Section 324(g), relating to accession bonus
10 for new officers in critical skills.

11 (6) Section 326(g), relating to incentive bonus
12 for conversion to military occupational specialty to
13 ease personnel shortage.

14 (7) Section 327(h), relating to incentive bonus
15 for transfer between Armed Forces.

16 (8) Section 330(f), relating to accession bonus
17 for officer candidates.

18 (9) Section 331(h), relating to general bonus
19 authority for enlisted members.

20 (10) Section 332(g), relating to general bonus
21 authority for officers.

22 (11) Section 334(i), relating to special aviation
23 incentive pay and bonus authorities for officers.

24 (12) Section 351(i), relating to hazardous duty
25 pay.

1 (13) Section 352(g), relating to assignment pay
2 or special duty pay.

3 (14) Section 353(j), relating to skill incentive
4 pay or proficiency bonus.

5 (15) Section 355(i), relating to retention incen-
6 tives for members qualified in critical military skills
7 or assigned to high priority units.

8 **SEC. 615. ONE-YEAR EXTENSION OF AUTHORITIES RELAT-**
9 **ING TO PAYMENT OF REFERRAL BONUSES.**

10 The following sections of title 10, United States
11 Code, are amended by striking “December 31, 2009” and
12 inserting “December 31, 2010”:

13 (1) Section 1030(i), relating to health profes-
14 sions referral bonus.

15 (2) Section 3252(h), relating to Army referral
16 bonus.

17 **Subtitle C—Retired Pay and**
18 **Survivor Benefits**

19 **SEC. 621. EXPANSION OF ELIGIBILITY FOR CONCURRENT**
20 **RECEIPT OF RETIRED PAY AND DISABILITY**
21 **COMPENSATION.**

22 (a) PHASED EXPANSION.—Subsection (a) of section
23 1414 of title 10, United States Code, is amended to read
24 as follows:

1 “(a) PAYMENT OF BOTH RETIRED PAY AND COM-
2 PENSATION.—

3 “(1) IN GENERAL.—Subject to subsection (b), a
4 member or former member of the uniformed services
5 who is entitled for any month to retired pay and who
6 is also entitled for that month to veterans’ disability
7 compensation for a qualifying service-connected dis-
8 ability (hereinafter in this section referred to as a
9 ‘qualified retiree’) is entitled to be paid both for that
10 month without regard to sections 5304 and 5305 of
11 title 38.

12 “(A) During the period beginning on Janu-
13 ary 1, 2004, and ending on December 31, 2013,
14 payment of retired pay to such a qualified re-
15 tiree is subject to subsection (c), except that
16 payment of retired pay is subject to subsection
17 (c) only during the period beginning on Janu-
18 ary 1, 2004, and ending on December 31, 2004,
19 in the case of the following:

20 “(i) A qualified retiree receiving vet-
21 erans’ disability compensation for a dis-
22 ability rated as 100 percent.

23 “(ii) A qualified retiree receiving vet-
24 erans’ disability compensation at the rate
25 payable for a 100 percent disability by rea-

1 son of a determination of individual
2 unemployability.

3 “(B) Notwithstanding the provisions of
4 subsection (c), on or after January 1, 2010, a
5 qualified retiree described in subparagraph
6 (2)(B) or (2)(C) is entitled to payment of both
7 retired pay and compensation under this sub-
8 section, subject to subsection (b).

9 “(2) QUALIFYING SERVICE-CONNECTED DIS-
10 ABILITY.—In this section, the term ‘qualifying serv-
11 ice-connected disability’ means—

12 “(A) in the case of a member or former
13 member receiving retired pay under any provi-
14 sion of law other than chapter 61 of this title
15 or under chapter 61 with 20 years or more of
16 service otherwise creditable under section 1405
17 or computed under section 12732 of this title,
18 a service-connected disability or combination of
19 service-connected disabilities that is rated as
20 not less than 50 percent disabling by the Sec-
21 retary of Veterans Affairs;

22 “(B) in the case of a member or former
23 member receiving retired pay under chapter 61
24 of this title with less than 20 years of service
25 otherwise creditable under section 1405 or com-

1 puted under section 12732 of this title, a serv-
2 ice-connected disability or combination of serv-
3 ice-connected disabilities that is rated at the
4 disabling level specified by the Secretary of Vet-
5 erans Affairs and is effective on or after the fol-
6 lowing dates:

7 “(i) January 1, 2010, rated 100 per-
8 cent, or a rate payable at 100 percent by
9 reason of individual unemployability or
10 rated 90 percent;

11 “(ii) January 1, 2011, rated 80 per-
12 cent or 70 percent; and

13 “(iii) January 1, 2012, rated 60 per-
14 cent or 50 percent; and

15 “(C) in the case of a member or former
16 member receiving retired pay under chapter 61
17 regardless of years of service, a service-con-
18 nected disability or combination of service-con-
19 nected disabilities that is rated at the disabling
20 level specified by the Secretary of Veterans Af-
21 fairs and is effective on or after the following
22 dates:

23 “(i) January 1, 2013, rated 40 per-
24 cent or 30 percent; and

25 “(ii) January 1, 2014, any rating.”.

1 (b) CONFORMING SPECIAL RULE MODIFICATION.—

2 Subsection (b) of such section is amended to read as fol-
3 lows:

4 “(b) SPECIAL RULES FOR CHAPTER 61 DISABILITY
5 RETIREES.—

6 “(1) GENERAL RULE.—The retired pay of a
7 member retired under chapter 61 of this title is sub-
8 ject to reduction under sections 5304 and 5305 of
9 title 38, but only to the extent that the amount of
10 the member’s retired pay under chapter 61 of this
11 title exceeds the amount of retired pay to which the
12 member would have been entitled under any other
13 provision of law based upon the member’s service in
14 the uniformed services if the member had not been
15 retired under chapter 61 of this title.

16 “(2) SPECIAL RULE FOR RETIREES WITH
17 FEWER THAN 20 YEARS OF SERVICE.—The retired
18 pay of a member retired under chapter 61 of this
19 title with fewer than 20 years of creditable service
20 otherwise creditable under section 1405 or computed
21 under section 12732 of this title, is subject to reduc-
22 tion under sections 5304 and 5305 of title 38, but
23 only to the extent that the amount of the member’s
24 retired pay under chapter 61 of this title exceeds the
25 amount equal to 2½ percent of the member’s years

1 of creditable service multiplied by the member's re-
 2 tired pay base under section 1406(b)(1) or 1407 of
 3 this title, whichever is applicable to the member.”.

4 (c) CONFORMING AMENDMENT.—Subsection (c) of
 5 such section is amended by striking “the second sentence”
 6 and inserting “subparagraph (A)”.

7 (d) CLERICAL AMENDMENTS.—

8 (1) SECTION HEADING.—The heading of such
 9 section is amended to read as follows:

10 **“§ 1414. Concurrent payment of retired pay and vet-**
 11 **erans’ disability compensation”.**

12 (2) TABLE OF SECTIONS.—The table of sections
 13 at the beginning of chapter 71 of such title is
 14 amended by striking the item related to section 1414
 15 and inserting the following new item:

“1414. Concurrent payment of retired pay and veterans’ disability compensa-
 tion.”.

16 (e) EFFECTIVE DATE.—The amendments made by
 17 this section shall take effect on January 1, 2010.

1 **TITLE VII—WOUNDED WARRIOR**
 2 **PROVISIONS**

3 **SEC. 701. PROVISION OF SPECIAL MONTHLY COMPENSA-**
 4 **TION ALLOWANCE TO CATASTROPHICALLY**
 5 **INJURED SERVICE MEMBERS RECOVERING**
 6 **FROM COMBAT OR COMBAT-RELATED CATA-**
 7 **STROPHIC INJURIES.**

8 (a) IN GENERAL.—Chapter 7 of title 37, United
 9 States Code, is amended by adding at the end the fol-
 10 lowing new section:

11 **“§ 439. Special monthly compensation for members of**
 12 **the uniformed services with combat or**
 13 **combat-related catastrophic injuries**

14 “(a) COMPENSATION AUTHORIZED.—(1) Under reg-
 15 ulations prescribed by the Secretary of Defense, the Sec-
 16 retary concerned may pay to any member of the uniformed
 17 services described in paragraph (2) a special monthly com-
 18 pensation in an amount determined under paragraph (3).

19 “(2) A member eligible for the compensation author-
 20 ized by paragraph (1) is a member—

21 “(A) who has a combat-related catastrophic in-
 22 jury or illness and for whom a licensed physician has
 23 certified that the member is in need of assistance
 24 from another person to perform the personal func-
 25 tions required in everyday living; and

1 “(B) who has elected to participate in the expedited disability evaluation process.

2 “(3) The Secretary of Defense may establish additional eligibility criteria in the regulations required by paragraph (1).

3 “(4) The amount of the special monthly compensation authorized by paragraph (1) shall be determined under criteria prescribed by the Secretary of Defense, but may not exceed the amount of the aid and attendance allowance authorized by section 1114(r) of title 38 for veterans in need of regular aid and attendance. In determining the amount of the compensation, the Secretary concerned shall consider the extent to which home health care and related services are being provided by the Government and the extent to which aid and attendance services are being provided by family and friends who may be compensated with funds provided through the special monthly compensation authorized by this section.

4 “(5) The duration of the special monthly compensation authorized by paragraph (1) shall be 120 days from the date of the member’s election to participate in the expedited disability evaluation process or until the member is medically retired from service, so long as the member otherwise remains eligible.

5 “(b) DEFINITIONS.—In this section:

1 “(1) The term ‘catastrophic injury or illness’
 2 means a permanent, severely disabling injury, dis-
 3 order, or disease that compromises the ability to
 4 carry out the activities of daily living to such a de-
 5 gree that the member requires personal or mechan-
 6 ical assistance to leave home or bed, or requires con-
 7 stant supervision to avoid physical harm to self or
 8 others.

9 “(2) The term ‘combat-related’ means having
 10 the attributes described in section 1413a of title
 11 10.”.

12 (b) CLERICAL AMENDMENT.—The table of sections
 13 at the beginning of such chapter is amended by adding
 14 at the end the following new item:

“439. Special monthly compensation for members of the uniformed services with
 combat or combat-related catastrophic injuries.”.

15 **TITLE VIII—ACQUISITION POL-**
 16 **ICY, ACQUISITION MANAGE-**
 17 **MENT, AND RELATED MAT-**
 18 **TERS**

19 **SEC. 801. PERMANENT AUTHORITY FOR USE OF SIM-**
 20 **PLIFIED ACQUISITION PROCEDURES FOR**
 21 **CERTAIN COMMERCIAL ITEMS.**

22 Section 4202 of the Clinger-Cohen Act of 1996 (divi-
 23 sion D of Public Law 104–106; 110 Stat. 652; 10 U.S.C.
 24 2304 note) is amended by striking subsection (e).

1 **SEC. 802. CLARIFICATION OF UNIFORM SUSPENSION AND**
2 **DEBARMENT REQUIREMENT.**

3 Section 2455(a) of the Federal Acquisition Stream-
4 lining Act of 1994 (31 U.S.C. 6101 note) is amended by
5 inserting “at any level, including subcontracts at any
6 tier,” in the second sentence after “any procurement or
7 nonprocurement activity”.

8 **SEC. 803. EXTENSION AND PERMANENT AUTHORITY FOR**
9 **SMALL BUSINESS INNOVATION RESEARCH**
10 **COMMERCIALIZATION PROGRAM.**

11 (a) EXTENSION TO SMALL BUSINESS TECHNOLOGY
12 TRANSFER PROGRAM.—Section 9(y) of the Small Busi-
13 ness Act (15 U.S.C. 638(y)) is amended by inserting “and
14 Small Business Technology Transfer Program” in para-
15 graphs (1), (2), and (4) after “Small Business Innovation
16 Research Program”.

17 (b) PERMANENT AUTHORITY.—Such section is fur-
18 ther amended—

- 19 (1) by striking “Pilot” each place it appears
20 (including in the heading for subsection (y)); and
21 (2) by striking paragraph (6).

22 **SEC. 804. AUTHORITY FOR GOVERNMENT SUPPORT CON-**
23 **TRACTORS TO HAVE ACCESS TO TECHNICAL**
24 **DATA BELONGING TO PRIME CONTRACTORS.**

25 (a) AUTHORITY.—

1 (1) ACCESS TO TECHNICAL DATA.—Subsection
2 (c) of section 2320 of title 10, United States Code,
3 is amended—

4 (A) by striking “or” at the end of para-
5 graph (1);

6 (B) by redesignating paragraph (2) as
7 paragraph (3); and

8 (C) by inserting after paragraph (1) the
9 following new paragraph (2):

10 “(2) notwithstanding any limitation upon the li-
11 cense rights conveyed under subsection (a), allowing
12 a Government support contractor access to and use
13 of any technical data delivered under a contract cov-
14 ered by this chapter if the Government support con-
15 tractor accessing or using that technical data exe-
16 cutes a contract with the Government agreeing to
17 and acknowledging—

18 “(A) that proprietary or nonpublic tech-
19 nical data furnished will be accessed and used
20 only for the purposes stated in that contract;

21 “(B) that a breach of that contract by a
22 Government support contractor with regard to
23 a third party’s ownership or rights in such tech-
24 nical data may subject that Government sup-
25 port contractor—

1 “(i) to criminal, civil, administrative,
 2 and contractual actions in law and equity
 3 for penalties, damages, and other appro-
 4 priate remedies by the United States; and

5 “(ii) to civil actions for damages and
 6 other appropriate remedies by the con-
 7 tractor or subcontractor whose technical
 8 data is affected by the breach;

9 “(C) that such technical data provided to
 10 a Government support contractor under the au-
 11 thority of this section shall not be used by that
 12 Government support contractor to compete
 13 against the third party for Government or non-
 14 Government contracts; and

15 “(D) that any breach of these nondisclo-
 16 sure obligations may constitute a violation of
 17 section 1905 of title 18; or”.

18 (2) DEFINITION.—Such section is further
 19 amended by adding at the end the following new
 20 subsection:

21 “(f) GOVERNMENT SUPPORT CONTRACTOR DE-
 22 FINED.—In this section, the term ‘Government support
 23 contractor’ means a contractor (and any of its subcontrac-
 24 tors) whose primary purpose is to furnish independent and
 25 impartial advice or technical assistance directly to the

1 Government in support of the Government’s management
 2 and oversight of a program or effort, rather than to di-
 3 rectly furnish an end item or a service to accomplish a
 4 program or effort.”.

5 (b) CRIMINAL PENALTY.—Section 1905 of title 18,
 6 United States Code, is amended by inserting “or being
 7 an officer, agent or employee of a private sector organiza-
 8 tion having a contractual nondisclosure agreement under
 9 the authority of section 2320(c)(2) of title 10,” after
 10 “Antitrust Civil Process Act (15 U.S.C. 1311–1314),”.

11 **SEC. 805. REPORTS TO CONGRESS ON FULL DEPLOYMENT**
 12 **DECISIONS FOR MAJOR AUTOMATED INFOR-**
 13 **MATION SYSTEM PROGRAMS.**

14 (a) IMPLEMENTATION SCHEDULE.—Section
 15 2445b(b)(2) of title 10, United States Code, is amended
 16 by striking “, initial operational capability, and full oper-
 17 ational capability” and inserting “and full deployment de-
 18 cision”.

19 (b) CRITICAL CHANGES IN PROGRAM.—Section
 20 2445c(d)(2)(A) of such title is amended by striking “ini-
 21 tial operational capability” and inserting “a full deploy-
 22 ment decision”.

1 **SEC. 806. REPEAL OF REQUIREMENTS FOR REPORTING ON**
 2 **CERTAIN INFORMATION TECHNOLOGY IN-**
 3 **VESTMENT PROGRAMS.**

4 (a) DEFINITION OF “OTHER MAJOR INFORMATION
 5 TECHNOLOGY INVESTMENT PROGRAM”.—Section 2445a
 6 of title 10, United States Code, is amended by striking
 7 subsection (d).

8 (b) COST, SCHEDULE, AND PERFORMANCE INFORMA-
 9 TION.—Section 2445b of such title is amended—

10 (1) in subsection (a), by striking “and each
 11 other major information technology investment pro-
 12 gram;” and

13 (2) by striking subsection (d).

14 (c) REPORTS.—Section 2445c(a) of such title is
 15 amended—

16 (1) by striking “or other major information
 17 technology investment program” each place it ap-
 18 pears;

19 (2) in subsections (a), (d)(2)(A), (f)(1), and
 20 (f)(2), by striking “or information technology invest-
 21 ment”;

22 (3) in subsection (d)(2)—

23 (A) in subparagraph (B), by striking “or
 24 section 2445b(d)”;

1 (B) in subparagraph (C), by striking “or
 2 section 2445b(d) of this title, as applicable”;
 3 and

4 (C) in subparagraph (D), by striking “or
 5 major information technology investment” and
 6 “or section 2445b(d) of this title, as applica-
 7 ble”; and

8 (4) in subsection (f)(3), by striking “or infor-
 9 mation technology investment, as applicable,”.

10 **SEC. 807. MODIFICATION OF DEADLINE FOR SUBMISSION**
 11 **OF ANNUAL REPORT TO CONGRESS UNDER**
 12 **SECTION 2466 OF TITLE 10, UNITED STATES**
 13 **CODE.**

14 Section 2466(d)(1) of title 10, United States Code,
 15 is amended by striking “April 1 of” and inserting “90
 16 days after the date on which the President’s Budget for
 17 the next fiscal year is submitted to Congress”.

18 **SEC. 808. REVISION TO DEFINITIONS OF MAJOR DEFENSE**
 19 **ACQUISITION PROGRAM AND MAJOR AUTO-**
 20 **MATED INFORMATION SYSTEM FOR PUR-**
 21 **POSES OF CERTAIN COSTS, SCHEDULE, AND**
 22 **PERFORMANCE REPORTS.**

23 (a) MAJOR DEFENSE ACQUISITION PROGRAM.—Sec-
 24 tion 2430 of title 10, United States Code, is amended by
 25 adding at the end the following new subsection:

1 “(c) In the case of a Department of Defense acquisi-
 2 tion program that, by reason of paragraph (2) of section
 3 2445a(a) of this title, is a major automated information
 4 system program under chapter 144A of this title and that,
 5 by reason of paragraph (2) of subsection (a), is a major
 6 defense acquisition program under this chapter, the Sec-
 7 retary of Defense may designate that program to be treat-
 8 ed only as a major automated information system program
 9 or to be treated only as a major defense acquisition pro-
 10 gram.”.

11 (b) MAJOR AUTOMATED INFORMATION SYSTEM.—
 12 Section 2445a(a) of such title is amended by inserting
 13 “that is not a highly sensitive classified program (as deter-
 14 mined by the Secretary of Defense)” after “(either as a
 15 product or service)”.

16 **SEC. 809. EXCEPTION FOR EMERGENCY OPERATIONS.**

17 (a) EXCEPTION FOR PROCUREMENTS IN SUPPORT OF
 18 EMERGENCY OPERATIONS.—Paragraph (1) of subsection
 19 (d) of section 2533a of title 10, United States Code, is
 20 amended to read as follows:

21 “(1) Procurements in support of emergency op-
 22 erations.”.

23 (b) DEFINITION OF EMERGENCY OPERATIONS.—
 24 Subsection (j) of such section is amended—

1 (1) by striking “GEOGRAPHIC COVERAGE.—”
 2 and inserting “DEFINITIONS.—(1)”; and

3 (2) by adding at the end the following new
 4 paragraph:

5 “(2) In this section, the term ‘emergency oper-
 6 ations’ means any of the following:

7 “(A) Contingency operations.

8 “(B) Operations in defense against or re-
 9 covery from nuclear, biological, chemical, or ra-
 10 diological attack against the United States.

11 “(C) Operations in response to an incident
 12 of national significance, emergency declaration,
 13 national emergency, or major disaster declared
 14 by the President.

15 “(D) Combat operations.”.

16 **SEC. 810. CONTRACT AUTHORITY FOR ADVANCED DEVEL-**
 17 **OPMENT OF INITIAL OR ADDITIONAL PROTO-**
 18 **TYPE UNITS.**

19 (a) IN GENERAL.—Chapter 137 of title 10, United
 20 States Code, is amended by inserting after section 2302d
 21 the following new section:

1 **“§ 2302e. Contract authority for advanced develop-**
 2 **ment of initial or additional prototype**
 3 **units**

4 “(a) **AUTHORITY.**—A contract initially awarded from
 5 the competitive selection of a proposal resulting from a
 6 general solicitation as defined in section 2302(2)(B) may
 7 contain a contract line item or an option for—

8 “(1) the delivery of initial or additional proto-
 9 type items if the item or a prototype thereof is cre-
 10 ated as the result of work performed under the ini-
 11 tial competed research contract; or

12 “(2) the provision of advanced component de-
 13 velopment, or prototype of technology developed in
 14 the initial underlying contract.

15 “(b) **DELIVERY.**—A contract line item or option as
 16 described in subsection (a)(1) shall require the delivery of
 17 the minimal amount of initial or additional prototype
 18 items to allow for the timely solicitation and award of a
 19 production contract for those items. Such contract option
 20 may have a value only up to three times the value of the
 21 initial contract and any subsequent development or pro-
 22 curement must be subject to the terms of section 2304
 23 of this title.

24 “(c) **TERM.**—A contract line item or option as de-
 25 scribed in subsection (a)(2) shall be for a term of not more
 26 than 12 months.

1 “(d) USE OF AUTHORITY.—Each military depart-
 2 ment may use this authority up to four times per year
 3 and the Secretary of Defense may approve up to an addi-
 4 tional four options per year for projects supported by
 5 agencies of the Department of Defense.”.

6 (b) CLERICAL AMENDMENT.—The table of sections
 7 at the beginning of such chapter is amended by inserting
 8 after the item relating to section 2302d the following new
 9 item:

“2302e. Contract authority for advanced development of initial or additional
 prototype units.”.

10 **TITLE IX—DEPARTMENT OF DE-** 11 **FENSE ORGANIZATION AND** 12 **MANAGEMENT**

13 **SEC. 901. REPEAL OF CERTAIN LIMITATIONS ON PER-** 14 **SONNEL AND CONSOLIDATION OF REPORTS** 15 **ON MAJOR DEPARTMENT OF DEFENSE HEAD-** 16 **QUARTERS ACTIVITIES.**

17 (a) REPEAL OF CERTAIN LIMITATIONS ON PER-
 18 SONNEL ASSIGNED TO MAJOR HEADQUARTERS ACTIVI-
 19 TIES.—

20 (1) REPEALS.—The following provisions of law
 21 are repealed:

22 (A) Section 143 of title 10, United States
 23 Code.

24 (B) Section 194 of such title.

1 (C) Sections 3014(f), 5014(f), and 8014(f)
 2 of such title.

3 (D) Section 601 of the Goldwater-Nichols
 4 Department of Defense Reorganization Act of
 5 1986 (10 U.S.C. 194 note).

6 (2) CLERICAL AMENDMENTS.—

7 (A) The table of sections at the beginning
 8 of chapter 4 of title 10, United States Code, is
 9 amended by striking the item relating to section
 10 143.

11 (B) The table of sections at the beginning
 12 of subchapter I of chapter 8 of such title is
 13 amended by striking the item relating to section
 14 194.

15 (b) CONSOLIDATED ANNUAL REPORT.—

16 (1) INCLUSION IN ANNUAL DEFENSE MAN-
 17 POWER REQUIREMENTS REPORT.—Section 115a of
 18 such title is amended by inserting after subsection
 19 (e) the following new subsection:

20 “(f) The Secretary shall also include in each such re-
 21 port the following information with respect to personnel
 22 assigned to or supporting major Department of Defense
 23 headquarters activities:

24 “(1) The military end strength and civilian full-
 25 time equivalents assigned to major Department of

1 Defense headquarters activities for the preceding fis-
 2 cal year and estimates of such numbers for the cur-
 3 rent fiscal year and the budget fiscal year.

4 “(2) A summary of the replacement during the
 5 preceding fiscal year of contract workyears providing
 6 support to major Department of Defense head-
 7 quarters activities with military end strength or ci-
 8 vilian full-time equivalents, including an estimate of
 9 the number associated with the replacement of con-
 10 tracts performing inherently governmental or exempt
 11 functions.

12 “(3) The plan for the continued review of con-
 13 tract personnel supporting major Department of De-
 14 fense headquarters activities for possible conversion
 15 to military or civilian performance in accordance
 16 with section 2463 of this title.”.

17 (2) TECHNICAL AMENDMENTS TO REFLECT
 18 NAME OF REPORT.—

19 (A) Subsection (a) of such section is
 20 amended by inserting “defense” before “man-
 21 power requirements report”.

22 (B)(i) The heading of such section is
 23 amended to read as follows:

1 **“§ 115a. Annual defense manpower requirements re-**
 2 **port”.**

3 (ii) The item relating to such section in the
 4 table of sections at the beginning of chapter 2
 5 of such title is amended to read as follows:

“115a. Annual defense manpower requirements report.”.

6 (3) CONFORMING REPEALS.—The following pro-
 7 visions of law are repealed:

8 (A) Subsections (b) and (c) of section 901
 9 of the National Defense Authorization Act for
 10 Fiscal Year 2008 (Public Law 110–181; 122
 11 Stat. 272).

12 (B) Section 1111 of the Duncan Hunter
 13 National Defense Authorization Act for Fiscal
 14 Year 2009 (Public Law 110–417; 122 Stat.
 15 4619).

16 **SEC. 902. REPEAL OF CERTAIN LAWS PERTAINING TO THE**
 17 **JOINT COMMITTEE FOR THE REVIEW OF**
 18 **COUNTERPROLIFERATION PROGRAMS.**

19 (a) JOINT COMMITTEE FOR THE REVIEW OF
 20 COUNTERPROLIFERATION PROGRAMS OF THE UNITED
 21 STATES.—Section 1605 of the National Defense Author-
 22 ization Act for Fiscal Year 1994 (Public Law 103–160;
 23 22 U.S.C. 2751 note) is repealed.

24 (b) BIENNIAL REPORT ON COUNTERPROLIFERATION
 25 ACTIVITIES AND PROGRAMS.—Section 1503 of the Na-

1 tional Defense Authorization Act for Fiscal Year 1995
 2 (Public Law 103–337; 22 U.S.C. 2751 note) is repealed.

3 **SEC. 903. PROVISION OF SPACE SITUATIONAL AWARENESS**
 4 **SERVICES AND INFORMATION TO NON-**
 5 **UNITED STATES GOVERNMENT ENTITIES.**

6 (a) IN GENERAL.—Section 2274 of title 10, United
 7 States Code, is amended to read as follows:

8 **“§ 2274. Space situational awareness services and in-**
 9 **formation: provision to non-United States**
 10 **Government entities**

11 “(a) AUTHORITY.—The Secretary of Defense may
 12 provide space situational awareness services and informa-
 13 tion to, and may obtain space situational awareness data
 14 and information from, non-United States Government en-
 15 tities in accordance with this section. Any such action may
 16 be taken in the case of any such entity only if the Sec-
 17 retary determines that such action is consistent with the
 18 national security interests of the United States.

19 “(b) ELIGIBLE ENTITIES.—The Secretary may pro-
 20 vide services and information under subsection (a) to, and
 21 may obtain data and information under subsection (a)
 22 from, any non-United States Government entity, including
 23 any of the following:

24 “(1) A State government.

1 “(2) The government of a political subdivision
2 of a State.

3 “(3) A United States commercial entity.

4 “(4) The government of a foreign country.

5 “(5) A foreign commercial entity.

6 “(c) REQUIRED AGREEMENT.—The Secretary may
7 not provide space situational awareness services and infor-
8 mation under subsection (a) to a non-United States Gov-
9 ernment entity unless that entity enters into an agreement
10 with the Secretary under which the entity—

11 “(1) agrees to pay an amount that may be
12 charged by the Secretary under subsection (d);

13 “(2) agrees not to transfer any data or tech-
14 nical information received under the agreement, in-
15 cluding the analysis of data, to any other entity
16 without the express approval of the Secretary; and

17 “(3) agrees to any other terms and conditions
18 considered necessary by the Secretary.

19 “(d) CHARGES.—(1) As a condition of an agreement
20 under subsection (c), the Secretary may (except as pro-
21 vided in paragraph (2)) require the non-United States
22 Government entity entering into the agreement to pay to
23 the Department of Defense such amounts as the Secretary
24 determines to be necessary to reimburse the Department

1 for the costs to the Department of providing space situa-
2 tional awareness service support under the agreement.

3 “(2) The Secretary may not require the government
4 of a State, or of a political subdivision of a State, to pay
5 any amount under paragraph (1).

6 “(e) CREDITING OF FUNDS RECEIVED.—Funds re-
7 ceived for the provision of space situational awareness
8 services pursuant to an agreement under this section shall
9 be credited, at the option of the Secretary, to (1) the ap-
10 propriation, fund, or account used in incurring the obliga-
11 tion, or (2) an appropriate appropriation, fund, or account
12 currently available for the purposes for which the expendi-
13 tures were made. Funds so credited shall be merged with,
14 and remain available for obligation with, the funds in the
15 appropriation, fund, or account to which credited.

16 “(f) PROCEDURES.—The Secretary shall establish
17 procedures by which the authority under this section shall
18 be carried out. As part of those procedures, the Secretary
19 may allow space situational awareness services to be pro-
20 vided through a contractor of the Department of Defense.

21 “(g) NONDISCLOSURE.—All information received
22 under subsection (a), records of agreements entered into
23 under subsection (c), and analyses or data provided as a
24 part of the services provided in accordance with the au-

1 thurity under this section are exempt from disclosure
2 under section 552(b)(3) of title 5.

3 “(h) IMMUNITY.—The United States, all agencies
4 and instrumentalities thereof, and all individuals, firms,
5 corporations, and other persons acting for the United
6 States, shall be immune from any suit in any court for
7 any cause of action arising from the provision or receipt
8 of space situational awareness services, whether or not
9 provided in accordance with this section, or any related
10 action or omission.”.

11 (b) CLERICAL AMENDMENT.—The item relating to
12 such section in the table of sections at the beginning of
13 chapter 135 of such title is amended to read as follows:

“2274. Space situational awareness services and information: provision to non-
United States Government entities.”.

14 (c) EFFECTIVE DATE.—The amendments made by
15 this section shall take effect on October 1, 2009, or the
16 date of the enactment of this Act, whichever is later.

1 **TITLE X—GENERAL PROVISION**

2 **Subtitle A—Financial Matters**

3 **SEC. 1001. AUTHORITY FOR AIRLIFT TRANSPORTATION AT**
4 **DEPARTMENT OF DEFENSE RATES FOR NON-**
5 **DEPARTMENT OF DEFENSE FEDERAL CAR-**
6 **GOES.**

7 Section 2642(a) of title 10, United States Code, is
8 amended by adding at the end the following new para-
9 graph:

10 “(3) For military airlift services provided to any
11 element of the Federal Government outside the De-
12 partment of Defense in circumstances other than
13 those specified in paragraphs (1) and (2), but only
14 if the Secretary of Defense determines that provision
15 of those military airlift services will promote im-
16 proved utilization of airlift capacity without negative
17 effect on national security objectives or the national
18 security interests contained within the United States
19 commercial air industry.”.

20 **SEC. 1002. ADVANCE NOTICE TO CONGRESS OF TRANSFER**
21 **OF FUNDS FROM A WORKING-CAPITAL FUND.**

22 Paragraph (1) of section 2208(r) of title 10, United
23 States Code, is amended to read as follows:

24 “(1) Whenever the Secretary of Defense pro-
25 poses to exercise authority provided by law to trans-

1 fer funds from a working-capital fund, including a
 2 transfer to another working-capital fund, such trans-
 3 fer may be made only after the Secretary submits to
 4 Congress notice of the proposed transfer and a pe-
 5 riod of five days has passed from the date of the no-
 6 tification.”.

7 **Subtitle B—Policy Relating to** 8 **Vessels and Shipyards**

9 **SEC. 1011. TEMPORARY REDUCTION IN STATUTORY MIN-** 10 **IMUM NUMBER OF AIRCRAFT CARRIERS IN** 11 **ACTIVE SERVICE.**

12 Section 5062(b) of title 10, United States Code, is
 13 amended by inserting before the period at the end of the
 14 first sentence the following: “, except that during the pe-
 15 riod beginning on the date of the decommissioning of the
 16 USS Enterprise (CVN 65) and ending on the date of the
 17 commissioning into active service of the USS GERALD
 18 R. FORD (CVN 78), the number of operational aircraft
 19 carriers in the naval combat forces of the Navy may be
 20 10”.

**Subtitle C—Counter-Drug
Activities**

**SEC. 1021. TWO-YEAR EXTENSION OF AUTHORITY TO SUP-
PORT UNIFIED COUNTER-DRUG AND
COUNTERTERRORISM CAMPAIGN IN COLOM-
BIA AND CONTINUATION OF NUMERICAL LIM-
ITATIONS ON ASSIGNMENT OF UNITED
STATES PERSONNEL.**

(a) EXTENSION.—Section 1021 of the Ronald W.
Reagan National Defense Authorization Act for Fiscal
Year 2005 (Public Law 108–375; 118 Stat. 2042), as
most recently amended by section 1023 of the Duncan
Hunter National Defense Authorization Act for Fiscal
Year 2009 (Public Law 110–417; 122 Stat. 4586), is
amended in subsections (a)(1) and (c), by striking “2009”
and inserting “2011”.

(b) CLARIFICATION.—Subsection (c) of such section
is amended by inserting “, and its follow-on programs,”
after “Plan Colombia” each place it appears.

1 **Subtitle D—Report Terminations**

2 **SEC. 1031. IMPROVED MANAGEMENT OF CONGRESSIONAL**
3 **REPORTING REQUIREMENTS APPLICABLE TO**
4 **DEPARTMENT OF DEFENSE.**

5 (a) IN GENERAL.—Chapter 23 of title 10, United
6 States Code, is amended by inserting after section 480 the
7 following new section:

8 **“§ 480a. Reports to Congress: termination after five**
9 **years**

10 “(a) TERMINATION.—Subject to subsections (b) and
11 (c), each provision of law that requires the Secretary of
12 Defense (or any other officer or employee of the Depart-
13 ment of Defense) to submit to Congress (or any committee
14 of Congress) a periodic report shall cease to be effective,
15 with respect to that requirement, five years after the date
16 of the enactment of that provision of law or, in the case
17 of a provision of law enacted before the date of the enact-
18 ment of this section, five years after the date of the enact-
19 ment of this section.

20 “(b) GENERAL EXCEPTIONS.—Subsection (a) does
21 not apply to a provision of law containing a requirement
22 for the submittal of a periodic report if that provision of
23 law—

24 “(1) expressly states that the requirement is in-
25 definite in nature; or

1 “(2) specifies a number of years (in excess of
2 five) for which the report is required or states a spe-
3 cific termination date for the report requirement.

4 “(c) EXCEPTIONS FOR SPECIFIC REPORTS.—Sub-
5 section (a) does not apply to the following:

6 “(1) The report required by section 113(c) of
7 this title.

8 “(2) Any report required by this chapter.

9 “(d) PERIODIC REPORT DEFINED.—In this section,
10 the term ‘periodic report’ means a report required to be
11 submitted on an annual, semiannual, or other regular peri-
12 odic basis.”.

13 (b) CLERICAL AMENDMENT.—The table of sections
14 at the beginning of such chapter is amended by inserting
15 after the item relating to section 480 the following new
16 item:

“480a. Reports to Congress: termination after five years.”.

17 **SEC. 1032. REPEAL OF REQUIREMENT FOR ANNUAL RE-**
18 **PORT ON MILITARY MUSEUMS.**

19 (a) REPEAL.—Section 489 of title 10, United States
20 Code, is repealed.

21 (b) TABLE OF SECTIONS.—The table of sections at
22 the beginning of chapter 23 of such title is amended by
23 striking the item relating to section 489.

1 **Subtitle E—Other Matters**

2 **SEC. 1041. ONE-YEAR EXTENSION OF AUTHORITY TO OFFER**
 3 **AND MAKE REWARDS FOR ASSISTANCE IN**
 4 **COMBATING TERRORISM THROUGH GOVERN-**
 5 **MENT PERSONNEL OF ALLIED FORCES.**

6 Section 127b(c)(3)(C) of title 10, United States
 7 Code, is amended by striking “September, 30, 2009” and
 8 inserting “September, 30, 2010”.

9 **TITLE XI—CIVILIAN PERSONNEL** 10 **MATTERS**

11 **SEC. 1101. ONE-YEAR EXTENSION OF AUTHORITY TO WAIVE**
 12 **ANNUAL LIMITATION ON PREMIUM PAY AND**
 13 **AGGREGATE LIMITATION ON PAY FOR FED-**
 14 **ERAL CIVILIAN EMPLOYEES WORKING OVER-**
 15 **SEAS.**

16 (a) EXTENSION OF AUTHORITY.—Subsection (a) of
 17 section 1101 of the Duncan Hunter National Defense Au-
 18 thorization Act for Fiscal Year 2009 (Public Law 110–
 19 417; 122 Stat. 4615), is amended by striking “calendar
 20 year 2009” and inserting “calendar years 2009 and
 21 2010”.

22 (b) EXEMPTION FROM AGGREGATE LIMITATIONS ON
 23 PAY.—Subsection (b) of such section is amended by strik-
 24 ing “Section 5307 of title 5, United States Code” and in-

1 serting “Aggregate limitations on pay, whether established
2 by law or regulation”.

3 **TITLE XII—MATTERS RELATING** 4 **TO FOREIGN NATIONS**

5 **SEC. 1201. ONE-YEAR EXTENSION OF COMMANDERS’ EMER-** 6 **GENCY RESPONSE PROGRAM AND EXTEN-** 7 **SION OF DUE DATE FOR QUARTERLY RE-** 8 **PORTS TO CONGRESS.**

9 (a) ONE-YEAR EXTENSION OF AUTHORITY.—

10 (1) AUTHORITY FOR FISCAL YEAR 2010.—Sub-
11 section (a) of section 1202 of the National Defense
12 Authorization Act for Fiscal Year 2006 (Public Law
13 109–163; 119 Stat. 3455), as most recently amend-
14 ed by section 1214 of the Duncan Hunter National
15 Defense Authorization Act for Fiscal Year 2009
16 (Public Law 110–417; 122 Stat. 4630), is amend-
17 ed—

18 (A) in the subsection heading, by striking
19 “FISCAL YEARS 2008 AND 2009” and inserting
20 “FISCAL YEAR 2010”;

21 (B) by striking “each of fiscal years 2008
22 and 2009” and inserting “fiscal year 2010”;

23 (C) by striking “for such fiscal year”; and

1 (D) by striking “\$1,700,000,000 in fiscal
 2 year 2008 and \$1,500,000,000 in fiscal year
 3 2009” and inserting “\$1,500,000,000”.

4 (2) EFFECTIVE DATE.—The amendments made
 5 by paragraph (1) shall take effect on October 1,
 6 2009.

7 (b) EXTENSION OF DUE DATE FOR QUARTERLY RE-
 8 PORTS.—Subsection (b)(1) of such section is amended—

9 (1) by striking “15 days” and inserting “45
 10 days”; and

11 (2) by striking “of fiscal years 2008 and 2009”
 12 and inserting “of any fiscal year during which the
 13 authority under subsection (a) is in effect”.

14 (c) TECHNICAL AMENDMENTS.—Subsections (e)(1)
 15 and (f)(1) of such section are amended by striking “the
 16 date of the enactment of the Duncan Hunter National De-
 17 fense Authorization Act for Fiscal Year 2009” and insert-
 18 ing “October 14, 2008,”.

19 **SEC. 1202. ENHANCED AUTHORITY TO ACQUIRE PRODUCTS**
 20 **AND SERVICES PRODUCED IN CENTRAL ASIA,**
 21 **PAKISTAN, AND THE SOUTH CAUCASUS.**

22 (a) IN GENERAL.—In the case of a product or service
 23 to be acquired in support of operations (including security,
 24 transition, reconstruction, and humanitarian relief activi-
 25 ties) in Afghanistan for which the Secretary of Defense

1 makes a determination described in subsection (b), the
2 Secretary may conduct a procurement in which—

3 (1) competition is limited to products or serv-
4 ices that are from Central Asia, Pakistan, or the
5 South Caucasus;

6 (2) procedures other than competitive proce-
7 dures are used to award a contract to a particular
8 source or sources from Central Asia, Pakistan, or
9 the South Caucasus; or

10 (3) a preference is provided for products or
11 services that are from Central Asia, Pakistan, or the
12 South Caucasus.

13 (b) DETERMINATION.—A determination described in
14 this subsection is a determination by the Secretary that—

15 (1) the product or service concerned is to be
16 used only by military forces, police, or other security
17 personnel of Afghanistan, the United States, Allies,
18 or coalition partners; or

19 (2) it is in the national security interest of the
20 United States to limit competition, use procedures
21 other than competitive procedures, or provide a pref-
22 erence as described in subsection (a) because—

23 (A) such limitation, procedure, or pref-
24 erence is necessary—

1 (i) to improve local market and trans-
2 portation infrastructure in Central Asia,
3 Pakistan, or the South Caucasus in order
4 to reduce overall United States transpor-
5 tation costs and risks in shipping goods in
6 support of operations in Afghanistan;

7 (ii) to encourage states of Central
8 Asia, Pakistan, or the South Caucasus to
9 cooperate in expanding supply routes
10 through their territory in support of oper-
11 ations in Afghanistan; or

12 (iii) to help develop a more robust and
13 enduring commercial and transportation
14 network in Central Asia, Pakistan, or the
15 South Caucasus that will connect Afghani-
16 stan to its neighbors, promote regional
17 commerce, diversify existing infrastructure
18 in the region, and bolster stability and
19 prosperity in the region; and

20 (B) such limitation, procedure, or pref-
21 erence will not adversely affect—

22 (i) operations in Afghanistan; or

23 (ii) the United States industrial base.

1 (c) PRODUCTS, SERVICES, AND SOURCES FROM CEN-
2 TRAL ASIA, PAKISTAN, OR THE SOUTH CAUCASUS.—For
3 the purposes of this section:

4 (1) A product is from the Central Asia, Paki-
5 stan, or the South Caucasus if it is mined, produced,
6 or manufactured in Georgia, the Kyrgyz Republic,
7 Pakistan, the Republic of Armenia, the Republic of
8 Azerbaijan, the Republic of Kazakhstan, the Repub-
9 lic of Tajikistan, the Republic of Uzbekistan, or
10 Turkmenistan.

11 (2) A service is from Central Asia, Pakistan, or
12 the South Caucasus if it is performed in Georgia,
13 the Kyrgyz Republic, Pakistan, the Republic of Ar-
14 menia, the Republic of Azerbaijan, the Republic of
15 Kazakhstan, the Republic of Tajikistan, the Repub-
16 lic of Uzbekistan, or Turkmenistan by citizens or
17 permanent resident aliens of Georgia, the Kyrgyz
18 Republic, Pakistan, the Republic of Armenia, the
19 Republic of Azerbaijan, the Republic of Kazakhstan,
20 the Republic of Tajikistan, the Republic of
21 Uzbekistan, or Turkmenistan.

22 (3) A source is from Central Asia, Pakistan, or
23 the South Caucasus if it—

24 (A) is located in Georgia, the Kyrgyz Re-
25 public, Pakistan, the Republic of Armenia, the

1 Republic of Azerbaijan, the Republic of
2 Kazakhstan, the Republic of Tajikistan, the Re-
3 public of Uzbekistan, or Turkmenistan; and

4 (B) offers products or services that are
5 from Georgia, the Kyrgyz Republic, Pakistan,
6 the Republic of Armenia, the Republic of Azer-
7 baijan, the Republic of Kazakhstan, the Repub-
8 lic of Tajikistan, the Republic of Uzbekistan, or
9 Turkmenistan.

10 (d) CONSTRUCTION WITH OTHER AUTHORITY.—The
11 authority provided in subsection (a) is in addition to the
12 authority set out in section 886 of the National Defense
13 Authorization Act for Fiscal Year 2008 (Public Law 110–
14 181; 122 Stat. 266; 10 U.S.C. 2302 note).

15 **SEC. 1203. AUTHORIZATION OF APPROPRIATIONS FOR AF-**
16 **GHANISTAN SECURITY FORCES FUND.**

17 (a) AUTHORIZATION OF APPROPRIATIONS.—Funds
18 are hereby authorized to be appropriated for fiscal year
19 2010 for the Afghanistan Security Forces Fund in the
20 amount of \$7,462,769,000.

21 (b) LIMITATIONS.—Funds appropriated pursuant to
22 the authorization of appropriations in subsection (a) shall
23 be subject to the conditions contained in subsections (b)
24 through (g) of section 1513 of the National Defense Au-

1 thorization Act for Fiscal Year 2008 (Public Law 110–
2 181; 122 Stat. 428).

3 **SEC. 1204. AUTHORITY TO PROVIDE ADMINISTRATIVE**
4 **SERVICES AND SUPPORT TO COALITION LIAI-**
5 **SON OFFICERS OF CERTAIN FOREIGN NA-**
6 **TIONS ASSIGNED TO JOINT FORCES COM-**
7 **MAND.**

8 (a) EXTENSION OF AUTHORITY.—Section 1051a(a)
9 of title 10, United States Code, is amended—

10 (1) by striking “assigned temporarily” and in-
11 serting “assigned temporarily—”;

12 (2) by designating the remainder of the text of
13 that section as paragraph (1) and indenting that
14 text two ems from the left margin;

15 (3) by striking the period at the end and insert-
16 ing “; or”; and

17 (4) by adding at the end the following:

18 “(2) to the headquarters of the combatant com-
19 mand assigned by the Secretary of Defense the mis-
20 sion of joint warfighting experimentation and joint
21 forces training.”.

22 (b) EFFECTIVE DATE.—Paragraph (2) of section
23 1051a(a) of title 10, United States Code, as added by sub-
24 section (a), shall take effect on October 1, 2009, or the
25 date of the enactment of this Act, whichever is later.

1 **TITLE XIII—MILITARY CON-**
 2 **STRUCTION, MILITARY FAM-**
 3 **ILY HOUSING, AND REAL**
 4 **PROPERTY**

5 **SEC. 1301. TEMPORARY INCREASE IN COST THRESHOLD**
 6 **FOR USE OF OPERATION AND MAINTENANCE**
 7 **FUNDS FOR UNSPECIFIED MINOR MILITARY**
 8 **CONSTRUCTION PROJECTS IN AFGHANISTAN.**

9 (a) INCREASED COST THRESHOLD.—

10 (1) PROJECTS IN AFGHANISTAN.—For purposes
 11 of any military construction project to be carried out
 12 in Afghanistan that is a contingency operational re-
 13 quirements project, the cost limitation applicable to
 14 the project under subsection (c) of section 2805 of
 15 title 10, United States Code, shall be treated as
 16 being \$3,000,000, notwithstanding any otherwise ap-
 17 plicable cost limitation under that section.

18 (2) CONTINGENCY OPERATIONAL REQUIRE-
 19 MENTS PROJECT.—For purposes of this subsection,
 20 the term “contingency operational requirements
 21 project” means a project that is necessary to meet
 22 military operational requirements involving the use
 23 of the Armed Forces in support of—

24 (A) a declaration of war;

1 (B) a declaration by the President of a na-
2 tional emergency under section 201 of the Na-
3 tional Emergencies Act (50 U.S.C. 1621); or

4 (C) a contingency operation (as such term
5 is defined in section 101 of title 10, United
6 States Code).

7 (b) TRANSPARENCY.—

8 (1) QUARTERLY REPORTS.—Not later than 60
9 days after the end of each fiscal-year quarter during
10 which subsection (a) is in effect, the Secretary con-
11 cerned shall submit to the congressional committees
12 specified in paragraph (2) a report on contracts en-
13 tered into during that quarter under section 2805(c)
14 of title 10, United States Code, for which the appli-
15 cable cost limitation was the limitation specified in
16 subsection (a). Each such report shall include a
17 statement of obligations during that quarter for each
18 such contract.

19 (2) CONGRESSIONAL COMMITTEES.—The con-
20 gressional committees referred to in this paragraph
21 are the following:

22 (A) The Committee on Armed Services and
23 the Subcommittee on Defense and the Sub-
24 committee on Military Construction, Veterans

1 Affairs, and Related Agencies of the Committee
2 on Appropriations of the Senate.

3 (B) The Committee on Armed Services and
4 the Subcommittee on Defense and the Sub-
5 committee on Military Construction, Veterans
6 Affairs, and Related Agencies of the Committee
7 on Appropriations of the House of Representa-
8 tives.

9 (3) SECRETARY CONCERNED.—For purposes of
10 this subsection, the term “Secretary concerned” has
11 the meaning applicable to such term under section
12 2805 of title 10, United States Code.

13 (c) EXPIRATION.—No funds may be obligated for a
14 project by reason of the provisions of subsection (a) after
15 September 30, 2011.

16 **SEC. 1302. TWO-YEAR EXTENSION OF AUTHORITY FOR**
17 **PILOT PROJECTS FOR ACQUISITION OR CON-**
18 **STRUCTION OF MILITARY UNACCOMPANIED**
19 **HOUSING.**

20 Subsection (f) of section 2881a of title 10, United
21 States Code, is amended by striking “2009” and inserting
22 “2011”.

1 **SEC. 1303. CONSOLIDATION AND STANDARDIZATION OF NO-**
 2 **TICE-AND-WAIT REQUIREMENTS APPLICABLE**
 3 **TO REAL PROPERTY LEASES.**

4 (a) GENERAL LEASE AUTHORITY.—Section
 5 2662(a)(1)(C) of title 10, United States Code, is amended
 6 by inserting after “United States,” the following: “other
 7 than a lease entered into pursuant to section 2667 of this
 8 title,”.

9 (b) LEASES OF NON-EXCESS PROPERTY.—Section
 10 2667 of such title is amended—

11 (1) in subsection (c), by striking paragraph (4);

12 (2) in subsection (d), by striking paragraph (6);

13 (3) in subsection (h), by striking paragraphs

14 (3) and (5); and

15 (4) by adding at the end the following new sub-
 16 section:

17 “(k) NOTICE-AND-WAIT REQUIREMENTS.—(1) The
 18 Secretary concerned may not issue a contract solicitation
 19 or other lease offering under this section for a lease with
 20 an annual rental value that is greater than \$750,000
 21 (other than for a lease under subsection (g)) until the Sec-
 22 retary submits to the Committee on Armed Services of the
 23 Senate and the Committee on Armed Services of the
 24 House of Representatives a report with respect to the pro-
 25 posed lease and a period of 30 days has elapsed after the

1 date of the submission of the report. Any such report shall
2 include the following:

3 “(A) A description of the proposed lease, in-
4 cluding the proposed duration of the lease.

5 “(B) A description of the authorities to be used
6 in entering into the lease and the intended participa-
7 tion of the United States in the lease, including a
8 justification of the intended method of participation.

9 “(C) A statement of the scored cost of the
10 lease, determined using the scoring criteria of the
11 Office of Management and Budget.

12 “(D) A determination that the property in-
13 volved in the lease is not excess property, as re-
14 quired by subsection (a)(3), including the basis for
15 the determination.

16 “(E) A determination that the proposed lease is
17 directly compatible with the mission of the military
18 installation or Defense Agency the property of which
19 is to be subject to the lease and a description of the
20 anticipated long-term use of the property at the con-
21 clusion of the lease.

22 “(F) A description of the requirements or con-
23 ditions within the contract solicitation or other lease
24 offering for the offeror to address taxation issues,

1 including payments-in-lieu-of taxes, and other devel-
2 opment issues related to local municipalities.

3 “(2) The Secretary concerned may not enter into a
4 lease with respect to which a report was required under
5 paragraph (1) until the Secretary submits to the commit-
6 tees specified in that paragraph a report with respect to
7 the proposed lease and either a period of 30 days has
8 elapsed after the date of the submission of the report or
9 a period of 14 days has elapsed after the date of the sub-
10 mission of a copy of the report in an electronic medium
11 pursuant to section 480 of this title. Any such report shall
12 include the following:

13 “(A) A copy of the report submitted under
14 paragraph (1) with respect to that lease.

15 “(B) A description of the differences between
16 the report submitted under paragraph (1) and the
17 report being submitted under this paragraph.

18 “(C) A description of the lease payment re-
19 quired under this section, including a description of
20 any in-kind consideration that will be accepted.

21 “(D) A description of any community support
22 facility or provision of community support services
23 under the lease, regardless of whether the facility
24 will be operated by a covered entity or the lessee or

1 the services will be provided by a covered entity or
2 the lessee.

3 “(E) A description of the competitive proce-
4 dures used to select the lessee or, in the case of a
5 lease involving the public benefit exception author-
6 ized by paragraph (2) of subsection (h), a descrip-
7 tion of the public benefit to be served by the lease.

8 “(F) In the case of a proposed lease under sub-
9 section (a) that involves a project related to energy
10 production and for which the term of the lease ex-
11 ceeds 20 years, a certification that the project is
12 consistent with the Department of Defense perform-
13 ance goals and plan required by section 2911 of this
14 title.”.

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